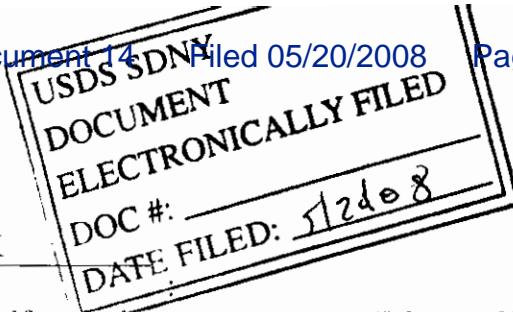


UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORKCHI KONG LEUNG on behalf of himself and all
others similarly situated,

ECF CASE

Plaintiffs,

07-CV-8779 (RJS)

v.

HOME BOY RESTAURANT INC. d/b/a TRIBECA
GRILL and DREW NIEPORENT,REvised Case
Management Plan and
Scheduling Order

Defendants.

RICHARD J. SULLIVAN, District Judge:

Pursuant to the parties' letter dated May 6, 2008, this [Proposed] Revised Case Management Plan and Scheduling Order supersedes the Case Management Plan and Scheduling Order entered on February 5, 2008, and is hereby adopted in accordance with Rules 16-26(f) of the Federal Rules of Civil Procedure, the Local Civil Rules of the Southern District of New York, and Judge Sullivan's Individual Practices.

1. All *fact* discovery is to be completed no later than July 28, 2008.
2. The parties are to conduct discovery in accordance with the Federal Rules of Civil Procedure and the Local Rules of the Southern District of New York. The following interim deadlines may be extended by the parties on consent without application to the Court, provided the parties meet the fact discovery completion date in ¶1 above.
 - a. Depositions to be completed by July 9, 2008.
 - i. Unless the parties agree or the Court so orders, depositions are not to be held until all parties have responded to initial requests for document production.

- ii. There is no priority in deposition by reason of a party's status as plaintiff or defendant.
- iii. Unless the parties agree or the Court so orders, non-party depositions shall follow initial party depositions.

b. Requests to Admit to be served no later than July 9, 2008.

3. All *expert* disclosures, including reports, production of underlying documents and depositions are to be completed by September 1, 2008:

4. All discovery is to be completed no later than September 8, 2008.

5. The court will schedule a post-discovery status conference (see ¶ 11) within three weeks of the close of all discovery.

6. Pre-motion letters regarding dispositive motions, if any, are to be submitted no later than two weeks prior to the post-discovery status conference date listed in ¶ 11. In accord with this Court's Individual Rule 2.A, response letters thereto are to be submitted within three business days from service of the initial pre-motion letter.

7. All counsel must meet for at least one hour to discuss settlement not later than two weeks following the close of fact discovery. Accordingly, Counsel for parties have discussed holding a settlement conference before a Magistrate Judge or the Southern District's Mediation Program and request:

- a. Referral to a Magistrate Judge for settlement discussions
The parties shall contact M. Eaton directly to schedule a settlement conference.
- b. Referral to the Southern District's Mediation Program

8. The parties shall submit a Joint Pretrial Order prepared in accordance with the undersigned's Individual Practice Rule 3 and Rule 26(a)(3). If this action is to be tried before a jury, proposed *voir dire*, jury instructions, and a verdict form shall be filed with the Joint Pretrial Order. Counsel are required to meet and confer on jury instructions and verdict form in an effort to make an agreed upon submission.

9. Parties have conferred and their present best estimate of the length of trial is 2 weeks.

10. A post-discovery status conference scheduled for July 22, 2008 is adjourned and rescheduled for September 22, 2008 at 4:45pm.

SO ORDERED.

DATED: New York, New York
May 20, 2008


RICHARD J. SULLIVAN
UNITED STATES DISTRICT JUDGE